

Subject: Re: HCBID
From: Kurt Knecht
Date: 11/07/2016 11:02 AM
To: Blair Besten
CC: Kendrick Rustad <kendrickrustad@hotmail.com>, 37690@lapd.online

I accidentally sent the last email prior to finishing. Here is the complete email. Thanks for the email Blair.

There are two relevant sections: LAMC 42.00(b) and LAMC 56.11. Of these two sections, I believe LAMC 42.00(b) is the applicable section for an Officer to investigate for a citation, and I believe LAMC 56.11 is the applicable section for Sanitation to remove the property from the sidewalk. With regards a report to Sanitation, there is a backlog of cleanup requests throughout the city, and a bulky item pickup would likely not occur from some time. A bulky item pickup would likely be ineffective since the business would likely pull the item into the store if Sanitation came to remove it.

Here is a more detailed description of my analysis.

LAMC 42.00(b) is more applicable since the this property appears to be connected to the selling of property.

(b) Street Vending Prohibited. (Amended by Ord. No. 182,813, Eff. 12/10/13.) Except as otherwise allowed by law, no Person shall engage in Vending upon any Street except as specifically allowed below:

"Vend or Vending" shall mean to sell or barter food, goods, merchandise or services, or to require someone to pay a fee or to set, negotiate, or establish a fee before providing food, goods, merchandise or services, even if characterized by the vendor as a donation.

"Street" shall mean all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks.

The issue is whether the placement of display merchandise is an offer to sell within the meaning of the section. If the officer can provide an opinion that the the placement of the item on the street is "to sell or barter", then the officer can cite for this section.

With regards LAMC 56.11, you are right. This is a recently passed section that the city is attempting to implement in a fair and legal manner.

LAMC 56.11 is multifaceted and includes many sections. I believe the relevant section is LAMC 56.11(3)(i) which involves **bulky items not used as shelters**. Under this section, it is NOT a crime to leave a bulky item on the sidewalk. Sanitation is the lead agency to remove such an item as the LAPD does not have the impound resources. Here are the applicable 56.11 sections.

LAMC 56.11(3) (i) No Person shall Store any Bulky Item in a Public Area. Without prior notice, the City may remove and may discard any Bulky Item, whether Attended or Unattended, Stored in a Public Area unless the Bulky Item is designed to be used as a shelter. For any Bulky Item that is designed to be used as a shelter but does not constitute a Tent as defined in Subsection 2.(q), with pre-removal notice as specified in Subsection 4.(a), the City may remove and discard the Bulky Item, whether Attended or Unattended. If the Bulky Item violates Subsection 3.(d)-(h) herein, even if it is designed to be used as a shelter, without prior notice, the City may remove and discard the Bulky Item, whether Attended or Unattended.

(c) "Bulky Item" means any item, with the exception of a constructed Tent, operational bicycle or operational walker, crutch or wheelchair, that is too large to fit into a 60-gallon container with the lid closed, including, but not limited to, a shed, structure, mattress, couch, chair, other furniture or appliance. A container with a volume of no more than 60 gallons used by an individual to hold his or her Personal Property shall not in itself be considered a Bulky Item.

On Mon, Nov 7, 2016 at 9:38 AM, Blair Besten <blair@historiccore.bid> wrote:

Kendrick,

As in all things there is no simple fix. This is part of an LAMC code 56.11 that is in dispute and working it's way through a retooling. It is regarding personal property on sidewalks, and includes things like homeless encampments and merchandise from stores. This particular issue you mention is bad on Broadway as well as the Fashion District.

I've copied our neighborhood prosecutor for the area, Kurt Knecht, and he can give us an update of where it is. I'm sure the City Attorney is not prepared to file on cases of store property on sidewalks, when we are not fully enforcing the code against tents during the day. That would be selective enforcement.

Kurt, is this something the CA will help LAPD enforce yet? We do have a lot of issues, especially with the cell phone stores and stores at intersections where bikes and pedestrians intersect in blind spots. 8th/Broadway is one I can think of in particular.

Thanks for your assistance in clarifying!



Blair Besten
Executive Director

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On Sat, Nov 5, 2016 at 6:24 PM, Kendrick Rustad <kendrickrustad@hotmail.com> wrote:

Hi Blair-

My meeting with Megan from City Councilman Jose's office had to be rescheduled for this Wednesday at 4pm at 430 South Broadway. Please meet us with a police office that can issue citations to the stores that are displaying merchandise on public property without the proper permit! This includes the store next door that has a white female mannequin with black lingerie!!! I'm tired of living in a "Flea Market" district!!!

Thanks,

Kendrick

From: Blair Besten <blair@historiccore.bid>

Sent: Friday, November 4, 2016 3:41:37 PM

To: kendrickrustad@hotmail.com

Subject: HCBID

Noah from my office said that you called us requesting a meeting at 4:00pm today. My apologies but we are unable to attend on short notice.

Can you please let me know how we may assist or what this is concerning?

Thank you,



Blair Besten
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